

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

_____)	
ZEV AND LINDA WACHTEL, <i>et al.</i> ,)	Civ. Docket No. 01-4183
)	Hon. Faith S. Hochberg, U.S.D.J.
Plaintiffs)	
)	
v.)	
)	
GUARDIAN LIFE INS. CO., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

_____)	
RENEE MCCOY, individually and on)	
behalf of all others similarly situated,)	Civ. Docket No. 03-1801
)	Hon. Faith S. Hochberg, U.S.D.J.
Plaintiffs)	
)	<u>OPINION & ORDER</u>
v.)	
)	Date: August 4, 2005
HEALTH NET, INC., HEALTH NET)	
OF THE NORTHEAST, INC., and)	
HEALTH NET OF NEW JERSEY, INC.)	
)	
Defendants.)	
_____)	

HOCHBERG, District Judge:

This Matter comes before the Court upon Defendants' motion to stay proceedings in this Court pending a decision by the United States Court of Appeals for the Third Circuit on Defendants' Rule 23(f) appeal.

This Court having reviewed the written submissions of the parties pursuant to Fed. R. Civ. P. 78, and

it appearing that the Court denied Defendants' motion for a stay in Orders dates October 12, 2004, January 11, 2005 and March 8, 2005, and

it appearing that there has been no showing by Defendants sufficient to warrant a stay at this time.

IT IS on this 4th day of August, 2005,

ORDERED that Health Net's motion to stay proceedings is **DENIED**, and it is further

ORDERED that the trial date of September 19, 2005 and the trial preparation conference of September 8, 2005 are **ADJOURNED**. All Court Orders and deadlines shall remain in full force and effect. The parties shall submit their pre-trial submissions in accordance with the dates set by Magistrate Judge Shwartz at the May 10 and July 11, 2005 final pre-trial conferences and shall be prepared to go to trial on seven (7) days' notice as of September, 19, 2005.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.